



**THE TOWN OF PEMBROKE
PLANNING BOARD**
1145 Main Rd., Pembroke, NY 14036
Minutes for the regular meeting held on July 25, 2018

ATTENDANCE:

- Jim Uebelhoer — Chairman
- Dave Knupfer — Vice Chairman
- Michael Bakos
- Richard Kutter
- Greg Kuras
- Philip Conti III
- Diane Denton, Acting Recording Secretary
- Thomas Schneider, Zoning Enforcement Officer

PUBLIC PRESENT: Yes

MEETING called to order at 7:00pm.
Jim Uebelhoer led the “Pledge of Allegiance”.

MOTION TO APPROVE the Minutes from May 30, 2018 made by Mr. Knupfer;
Second to motion was made by Mr. Uebelhoer.
Voice Vote: ALL AYES—MOTION CARRIED.

Special Use Permit and Site Plan Review

Nicole Savage
8934 Lake Rd., Town of Pembroke
Tax Map# 18.-1-67
Zoning District: AG/RES
Required referral to County

- Public Hearing was opened and closed at the April 25, 2018 meeting.
- County approved the applications with modifications; 1) The applicant provide a revised site plan showing pond dimensions and all setbacks to property lines, and given the information provided by the Genesee County Soil and Water Conservation District of suspected Federal wetlands and the endangered or threatened species or their associated habitats are known to be within the boundaries of the proposed site, 2) the applicant obtain documentation form the New York State Department of Environmental Conservation (DEC) as to the project’s impacts on such species and 3) the applicant obtain documentation and/or a permit from the U.S. Army Corps of Engineers for the suspected wetlands.
- Ms. Savage’s neighbor Linda Yohn was present.
- The proposed pond’s size was reduced to 80ft. x 100 ft. since Ms. Savage submitted her original application, and a more detailed site plan was submitted. No soil would be taken out or brought in, so a permit from the Army Corps of Engineers isn’t needed.

- Ms. Savage told the board that she would dig a test pit 10ft. x 10ft. x 10ft. If it doesn't retain water she wouldn't go ahead with the pond, but would fill it back in. She would be allowed to put the same fill back in. She noted that all her gutters and sump pump direct water run off down to the back of her property.
- Mr. Kutter suggested that if the test pit didn't fill with water Ms. Savage should leave it as a retention pond to drain off her property.
- Ms. Savage has jumped through all the hoops—Dept. of Soil and Water, DEC, Army Corp of Engineers, etc.—required for the pond. The Zoning Board of Appeals approved the variances needed. All that remains is for the Planning Board to approve.
- Mr. Knupfer wondered if the board was to vote on the test pit or the pond itself. Mr. Schneider noted that the Special Use Permit determination was for the pond, while the test pit, which the Soil and Water Department wanted, was a preliminary step to make sure the pond would fill in naturally.
- If the Special Use Permit is approved, but the test pit doesn't hold water and the pond doesn't happen, then the board would rescind the Special Use Permit.

On **MOTION** made by Mr. Knupfer and seconded by Mr. Kutter **to make a negative declaration on the SEQR short form.**

ROLL CALL VOTE: Mr. Bakos-Aye; Mr. Kutter-Aye, Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye
All Ayes (6)—**MOTION CARRIED**

On **MOTION** made by Mr. Uebelhoer and seconded by Mr. Kuras **to approve the Special Use Permit pending the results of the test pit.**

- **Ms. Savage will let Mr. Schneider know if the pond isn't going to happen.**

ROLL CALL VOTE: Mr. Kutter-Aye; Mr. Uebelhoer-Aye; Mr. Knupfer-Aye; Mr. Conti-Aye; Mr. Kuras-Aye; Mr. Bakos-Aye
All Ayes (6)—**MOTION CARRIED**

Discussion:

There have continued to be complaints about dogs barking at 1744 Genesee St., Deborah Kirkum's dog kennel. Mr. Schneider thought that a lot of the problem was due to the design of the building: the barking noise hits the overhang and echoes out. Ms. Kirkum's Special Use Permit limited her to having 41 dogs on site. The Town Clerk, Ms. Begin, said Ms. Kirkum has licensed 41. There seems to be a substantial number more than that (including young puppies that don't need to be licensed yet). There is some concern that this could be a puppy mill. Ms. Kirkum hasn't put up a privacy fence, to prevent the dogs seeing things that incite their barking, like she said she would. Neighbor Scott Turner was present and said that sometimes the dogs are left outside for hours when there is no one home or in the kennel. Mr. Schneider and Mr. Uebelhoer plan to go over to the kennel and do a thorough headcount of the dogs. Mr. Schneider noted that when there are issues with a Special Use Permit that has been granted, the resident involved has to be given a chance to correct those issues. Zoning can't just shut Ms. Kirkum's kennel down, but must seek voluntary compliance first. If necessary, a letter can be sent asking her to come back before the board. Mr. Kuras wondered if it would qualify for a Public Hearing. Mr. Uebelhoer mentioned that the board might have to add in a stipulation to the Special Use Permit for monthly/bi-weekly inspections of

the dog number at the kennel. Mr. Schneider gave a “for example”: if the Planning Board decided the kennel could only have 24 dogs or to rescind the Special Use Permit, the owners could go to court, which would take it out of enforcement. It was noted that Ms. Kirkum seemed willing to work with the Town to address the issues.

Old Business: None

New Business: None

A MOTION to adjourn the meeting was made by Mr. Bakos and seconded by Mr. Uebelhoer.

Voice Vote:

ALL AYES—MOTION CARRIED.

Meeting Closed at 7:55pm.
Respectfully Submitted,
Diane Denton
Acting Recording Secretary

Jim Uebelhoer, Chairman

These minutes were approved by the Town of Pembroke Planning Board August 29, 2018